



**CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(A)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class U.S. Mail in an envelope on the date indicated, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 4-2-2004

Dora Rios: Dora Rios.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Patent Application of: John David Scherch ) Examiner: Unassigned  
Filed: October 7, 2003 )  
Serial No. 10/680,327 ) Group Art Unit: Unassigned  
For: **METHOD AND APPARATUS** )  
**FOR TARGET POSITION** ) Attorney Docket No. 62256.063  
**VERIFICATION** )

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97 AND 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. §1.56, it is respectfully requested that this Information Disclosure Statement be entered and the references listed on attached Form PTO-1449A be considered by the Examiner and made of record. Copies of the listed references are enclosed for the convenience of the Examiner.

A demonstration of the invention was shown at a trade show of October 7, 2002. No handouts or brochures were distributed and a non-disclosure agreement was signed.

In Re Patent Application of  
John David Scherch

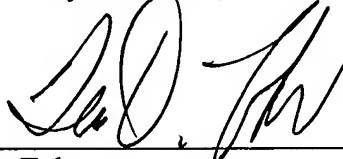
In accordance with 37 C.F.R. §1.97(g-h), this Information Disclosure Statement is not to be construed as a representation that a search has been made or construed as an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

The comments contained in this Information Disclosure Statement are believed to constitute a concise explanation of the relevance of each listed reference to the invention claimed in the present application. 37 C.F.R. §1.98(a)(3)(i). These comments, however, are not intended to take the place of the Examiner's complete consideration of each listed reference.

This Information Disclosure Statement is being filed before issuance of a First Office Action and, therefore, Applicant believes that no fee is required. In the event a fee is required, the Commissioner is hereby authorized to charge any fees which may be required, now or in the future, to the undersigned's Deposit Account No. 50-0259, Order No. 62256.063.(BDT).

Date: 4/2/04

Respectfully submitted,



Ben D. Tobor  
Reg. No. 27,760  
BRACEWELL & PATTERSON, L.L.P.  
P. O. Box 61389  
Houston, Texas 77208-1389  
713-223-2900  
713-221-2111 (Facsimile)  
Attorney for Applicant



In Re Patent Application of  
John David Scherch

APR 05 2004

Patent and Trademark Office

**INFORMATION  
DISCLOSURE  
STATEMENT BY  
APPLICANT**

(use as many sheets as necessary)

|       |   |    |   |                                   |           |
|-------|---|----|---|-----------------------------------|-----------|
| Sheet | 1 | of | 1 | <b>Attorney Docket<br/>Number</b> | 62256.063 |
|-------|---|----|---|-----------------------------------|-----------|

**U.S. PATENT DOCUMENTS**

| Exr Initials | U.S. Patent Document |                         | Name of Inventor or Applicant of Cited Document | Date of Publication of<br>Cited Document<br>MM-YYYY |
|--------------|----------------------|-------------------------|---|---|
|              | Number               | Kind Code (if<br>known) |   |   |
|              | 6,393,096            | B1                      | Carol et al.                                    | 05/2002   |
|              | 6,325,758            | B1                      | Carol et al.                                    | 12/2001   |
|              | 6,038,283            |                         | Carol et al.                                    | 03/2000   |
|              | 5,802,136            |                         | Carol   | 09/1998   |
|              | 5,622,187            |                         | Carol   | 04/1997   |
|              | 5,596,619            |                         | Carol   | 01/1997   |
|              | 5,411,026            |                         | Carol   | 05/1995   |

**FOREIGN PATENT DOCUMENTS**

| Exr Initials | Foreign Patent Document |        |                         | Name of Inventor or Applicant of Cited<br>Document | Date of<br>Publication of<br>Cited Document<br>MM-YYYY | T <sub>1</sub> |
|--------------|-------------------------|--------|-------------------------|--|--|----------------|
|              | Country<br>Code         | Number | Kind Code<br>(if known) |  |  |                |
| N/A          |                         |        |                         |  |  |                |

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

|                    |  |                |
|--------------------|--|----------------|
| Exr Initials       | Include Name of first Author (in CAPITAL LETTERS), title of the article (where appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), volume-issue number(s), page(s), date (in parentheses). If a book, also include publisher and city and/or country where published. | T <sub>1</sub> |
| N/A                |  |                |
| Examiner Signature | Date Considered  |                |

1607985.1



PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|  |    |                        |                    |
|--|----|------------------------|--------------------|
|  |    | Application Number     | 10/680,327         |
|  |    | Filing Date            | October 7, 2003    |
|  |    | First Named Inventor   | John David Scherch |
|  |    | Art Unit               | Unassigned         |
|  |    | Examiner Name          | Unassigned         |
| Total Number of Pages in This Submission | 11 | Attorney Docket Number | 62256.063          |

| ENCLOSURES (Check all that apply)  |   |   |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form                                | <input checked="" type="checkbox"/> Drawing(s)                            | <input type="checkbox"/> After Allowance communication to Technology Center (TC)        |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Licensing-related Papers                         | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input type="checkbox"/> Amendment/Reply                                     | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Power of Attorney, Revocation                    | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Change of Correspondence Address                 | <input type="checkbox"/> Other Enclosure(s) (please Identify below):                    |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Terminal Disclaimer                              |   |
| <input checked="" type="checkbox"/> Information Disclosure Statement         | <input type="checkbox"/> Request for Refund                               |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              | <input type="checkbox"/> CD, Number of CD(s) _____                        |   |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application   |   |   |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |   |
| Remarks  |   |   |
| FORMAL DRAWINGS  |   |   |

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |   |
|-------------------------|---|
| Firm or Individual name | Ben D. Tobor, Reg. No. 27,760<br>Bracewell & Patterson, LLP |
| Signature               |   |
| Date                    | 4/2/04  |

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

|                       |           |      |        |
|-----------------------|-----------|------|--------|
| Typed or printed name | Dora Rios |      |        |
| Signature             |           | Date | 4/2/04 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.